IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MADISON M. LARA, et al.,

Plaintiffs,

v.

Civil Action No. 2:20-cv-01582

COL. ROBERT EVANCHICK,

Commissioner of Pennsylvania State Police.

Defendant.

PLAINTIFFS' UNOPPOSED MOTION TO STAY DEADLINE TO FILE FEE PETITION

NOW, come Plaintiffs, by and through their undersigned attorneys, and hereby move to stay the deadline, under Fed. R. Civ. P. 54, to petition for attorneys' fees arising from this matter.

- 1. Following this Court's order entering judgment in Plaintiffs' favor, *see* Doc. 51 (Apr. 24, 2024); Doc. 54 (Apr. 26, 2024), Plaintiffs are "prevailing part[ies]" in a suit to enforce 42 U.S.C. § 1983, and are therefore entitled to seek attorneys' fees incurred in bringing this suit. 42 U.S.C. § 1988. Under Fed. R. Civ. P. 54, Plaintiffs' petition is due within 14 days of the date of this Court's amended judgment.
- 2. Plaintiffs understand that the State is currently considering filing a petition for a writ of certiorari in this matter. Given that the Supreme Court's review of this case, if granted, may impact whether Plaintiffs remain "prevailing part[ies]" within the meaning of the statute, in the interest of judicial economy, Plaintiffs respectfully request that this Court stay the deadline to seek fees in this matter until after the certiorari process is completed.
- 3. Specifically, Plaintiffs request that this Court enter an order staying the deadline to seek attorneys' fees and directing the parties to confer and propose a briefing schedule for any fee petition within 30 days after: (i) the Supreme Court renders a decision in this case, if it grants

certiorari; (ii) the Supreme Court denies certiorari; or (iii) the time for filing a petition for certiorari passes if the State declines to seek certiorari.

4. Counsel for Defendant was consulted and does not object to this motion.

WHEREFORE, Plaintiffs respectfully request that the present Motion be granted.

Dated: April 29, 2024

s/ David H. Thompson
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Respectfully submitted,

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